

**UNITED STATES BANKRUPTCY COURT**

Eastern District of California

Honorable Christopher D. Jaime  
Bankruptcy Judge  
Sacramento, California

**April 26, 2022 at 1:00 p.m.**

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1.	<a href="#">19-25404</a> -B-13	ART BRACAMONTE Richard Kwun	ORDER TO SHOW CAUSE - FAILURE TO TENDER FEE FOR FILING TRANSFER OF CLAIM 3-25-22 [ <a href="#">79</a> ]
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**Final Ruling**

The court's decision is to discharge the Order to Show Cause.

The Order to Show Cause was issued due to Rocket Mortgage, LLC's ("Creditor") failure to pay the \$26.00 transfer of claim fee. Creditor inadvertently mailed a physical copy of this Transfer of Claim Servicing to the Court on the same day that Creditor paid its filing fee for the Transfer of Claim Servicing. Due to Creditor's inadvertent error, another filing fee for the duplicate Transfer of Claim Servicing was generated. Creditor was unaware of this duplicate filing, and was thus also unaware of the duplicate invoice to make a timely payment. The court's docket reflects that the default was cured on April 12, 2022.

The order to show cause is ORDERED DISCHARGED for reasons stated in the minutes.

The court will issue an order.

**April 26, 2022 at 1:00 p.m.**

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2. [21-22917](#)-B-13 STEVEN/EMELDA CLYMER MOTION TO DISMISS CASE  
[RDG-1](#) G. Michael Williams 4-12-22 [[77](#)]

**Final Ruling**

The motion has been set for hearing on less than 28-days notice. Local Bankruptcy Rule 9014-1(f)(2). Parties in interest were not required to file a written response or opposition.

The court has determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f). This matter will therefore be decided on the papers.

The court's decision is to **conditionally grant the motion to dismiss case and continue the matter to May 3, 2022 at 1:00 p.m.**

First, the Debtors are delinquent in the amount of \$60.00. The Debtors do not appear to be able to make plan payments proposed and have not carried the burden of showing that the plan complies with 11 U.S.C. § 1325(a)(6).

Second, Debtors' Motion to Confirm Plan, GMW-3, was heard and denied on March 8, 2022. Dkt. 76. Debtors have failed to file, set, and serve an amended/modified plan to date.

Cause exists to dismiss this case. The motion is conditionally granted and the case will be dismissed.

**Conditional Nature of this Ruling**

Because the motion has been filed, set, and served under Local Bankruptcy Rule 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on Friday, April 29, 2022, to file and serve an opposition or other response to the motion. See Local Bankr. R. 9014-1(f)(2)(C). Any opposition or response shall be served on the Chapter 13 Trustee and the United States trustee by facsimile or email.

If no opposition or response is timely filed and served, the motion will be deemed granted for the reasons stated hereinabove, this ruling will no longer be conditional and will become the court's final decision, and the continued hearing on May 3, 2022, at 1:00 p.m. will be vacated.

If an opposition or response is timely filed and served, the court will hear the motion on May 3, 2022, at 1:00 p.m.

3. [21-24236](#)-B-13 JONATHAN LA VINE  
Pro Se

ORDER TO SHOW CAUSE - FAILURE  
TO PAY FEES  
3-28-22 [[28](#)]

DEBTOR DISMISSED: 4/8/22

**Final Ruling**

The case having previously been dismissed, the Order to Show Cause is discharged as moot with no sanctions ordered.

The order to show cause is ORDERED DISCHARGED AS MOOT for reasons stated in the minutes.

The court will issue an order.

4. [21-23144](#)-B-13 RUPERTO IDEMNE AND MOTION TO DISMISS CASE  
[RDG-3](#) JOSEPHINE MOMBAY 4-11-22 [[56](#)]  
W. Steven Shumway

### **Final Ruling**

The motion has been set for hearing on less than 28-days notice. Local Bankruptcy Rule 9014-1(f)(2). Parties in interest were not required to file a written response or opposition.

The court has determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f). This matter will therefore be decided on the papers.

The court's decision is to **conditionally grant the motion to dismiss case and continue the matter to May 3, 2022 at 1:00 p.m.**

First, the Trustee's objection to confirmation of Debtor's plan, RDG-1, and Creditor Neuberger Berman Investment Advisers LLC - Indiana Gen Invest Trust's objection to confirmation, EMM-1, were both heard on November 23, 2021. The court sustained these objections and denied confirmation of the plan. Dkts. 28 and 29.

Second, a hearing on confirmation of Debtors' plan, WSS-1, was heard on February 15, 2022, and the court denied confirmation of Debtors' plan. Dkt. 55. Debtor has failed to file, set, and serve an amended/modified plan to date.

Cause exists to dismiss this case. The motion is conditionally granted and the case will be dismissed.

### **Conditional Nature of this Ruling**

Because the motion has been filed, set, and served under Local Bankruptcy Rule 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on Friday, April 29, 2022, to file and serve an opposition or other response to the motion. See Local Bankr. R. 9014-1(f)(2)(C). Any opposition or response shall be served on the Chapter 13 Trustee and the United States trustee by facsimile or email.

If no opposition or response is timely filed and served, the motion will be deemed granted for the reasons stated hereinabove, this ruling will no longer be conditional and will become the court's final decision, and the continued hearing on May 3, 2022, at 1:00 p.m. will be vacated.

If an opposition or response is timely filed and served, the court will hear the motion on May 3, 2022, at 1:00 p.m.

5.     [22-20050](#)-B-13     SERENA TURCHIE                     ORDER TO SHOW CAUSE - FAILURE  
                              Peter G. Macaluso                 TO PAY FEES  
  3-16-22 [[17](#)]

**Final Ruling**

The court's decision is to discharge the Order to Show Cause and the case will remain pending.

The Order to Show Cause was issued due to Debtor's failure to pay \$78.00 due March 11, 2022. The court's docket reflects that the default was cured on March 28, 2022. The payment constituted the final installment.

The order to show cause is ORDERED DISCHARGED for reasons stated in the minutes and the case SHALL REMAIN PENDING.

The court will issue an order.

6. [22-20556](#)-B-13 STEVEN SEVERIN  
Pro Se

ORDER TO SHOW CAUSE - FAILURE  
TO PAY FEES  
3-24-22 [[12](#)]

DEBTOR DISMISSED: 3/28/22

**Final Ruling**

The case having previously been dismissed, the Order to Show Cause is discharged as moot with no sanctions ordered.

The order to show cause is ORDERED DISCHARGED AS MOOT for reasons stated in the minutes.

The court will issue an order.

7. [22-20676](#)-B-13 RODEL LEGASPI  
Pro Se

ORDER TO SHOW CAUSE - FAILURE  
TO PAY FEES  
4-5-22 [[13](#)]

DEBTOR DISMISSED: 4/11/22

**Final Ruling**

The case having previously been dismissed, the Order to Show Cause is discharged as moot with no sanctions ordered.

The order to show cause is ORDERED DISCHARGED AS MOOT for reasons stated in the minutes.

The court will issue an order.

8. [21-23777](#)-B-13 NATALIE YOST MOTION TO DISMISS CASE  
[RDG-2](#) Jennifer G. Lee 4-12-22 [[22](#)]

**Final Ruling**

The motion has been set for hearing on less than 28-days notice. Local Bankruptcy Rule 9014-1(f)(2). Parties in interest were not required to file a written response or opposition.

The court has determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f). This matter will therefore be decided on the papers.

The court's decision is to deny the motion without prejudice.

Trustee filed the instant motion to dismiss case because Trustee's objection to confirmation, RDG-1, was heard and sustained on January 11, 2022, and Debtor had failed to file, set, and serve an amended/modified plan.

Subsequent to the filing of the Trustee's motion to dismiss case, the Debtor filed an amended plan on April 21, 2022. The confirmation hearing for the amended plan is scheduled for June 7, 2022.

Cause does not exist to dismiss this case. The motion is denied without prejudice.

The motion is ORDERED DENIED WITHOUT PREJUDICE for reasons stated in the minutes.

The court will issue an order.



9. [22-20079](#)-B-13 LILLY LUTOLF  
Matthew J. DeCaminada

ORDER TO SHOW CAUSE - FAILURE  
TO PAY FEES  
3-21-22 [[25](#)]

**Final Ruling**

The Order to Show Cause will be discharged and the case will remain pending but the court will modify the terms of its order permitting the Debtor to pay the filing fee in installments.

The court granted the Debtor permission to pay the filing fee in installments. The Debtor failed to pay the \$78.00 installment when due on March 14, 2022. While the delinquent installment was paid on March 24, 2022, the fact remains that the court was required to issue an order to show cause to compel the payment. Therefore, as a sanction for the late payment, the court will modify its prior order allowing installment payments to provide that if a future installment is not received by its due date, the case will be dismissed without further notice or hearing.

The order to show cause is ORDERED DISCHARGED for reasons stated in the minutes and the case SHALL REMAIN PENDING.

IT IS FURTHER ORDERED that if a future installment is not received by its due date, the case will be dismissed without further notice or hearing.

The court will issue an order.

10. [21-23996](#)-B-13 SANDRA DAVIS MOTION TO DISMISS CASE  
[RDG](#)-1 Eric John Schwab 4-12-22 [[38](#)]

**Final Ruling**

The motion has been set for hearing on less than 28-days notice. Local Bankruptcy Rule 9014-1(f)(2). Parties in interest were not required to file a written response or opposition.

The court has determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f). This matter will therefore be decided on the papers.

The court's decision is to deny the motion without prejudice.

Trustee filed the instant motion to dismiss case based on the fact that Debtor had failed to set a hearing on confirmation of Debtor's plan filed December 27, 2021.

Subsequent to the filing of the Trustee's motion to dismiss case, the Debtor filed an amended plan on April 19, 2022. The confirmation hearing for the amended plan is scheduled for June 7, 2022.

Cause does not exist to dismiss this case. The motion is denied without prejudice.

The motion is ORDERED DENIED WITHOUT PREJUDICE for reasons stated in the minutes.

The court will issue an order.

11. [21-24098](#)-B-13 JOHN FORDON  
[RDG](#)-1 Richard L. Jare

MOTION TO DISMISS CASE  
4-12-22 [[39](#)]

**Final Ruling**

The motion has been set for hearing on less than 28-days notice. Local Bankruptcy Rule 9014-1(f)(2). Parties in interest were not required to file a written response or opposition.

The court has determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f). This matter will therefore be decided on the papers.

The court's decision is to deny the motion without prejudice.

Trustee filed the instant motion to dismiss case because Debtor had failed to file, set, and serve an amended/modified plan.

Subsequent to the filing of the Trustee's motion to dismiss case, the Debtor filed an amended plan on April 22, 2022. The confirmation hearing for the amended plan is scheduled for June 7, 2022.

Cause does not exist to dismiss this case. The motion is denied without prejudice.

The motion is ORDERED DENIED WITHOUT PREJUDICE for reasons stated in the minutes.

The court will issue an order.